

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID J. GONZALEZ,	:	Civil No. 1:18-cv-1288
	:	
Petitioner,	:	
	:	
v.	:	
	:	
ERIC TICE, PA ATTORNEY	:	
GENERAL, and DISTRICT	:	
ATTORNEY OF FRANKLIN	:	
COUNTY,	:	
	:	
Respondents.	:	Judge Sylvia H. Rambo

**MEMORANDUM**

Before the court is a report and recommendation of the magistrate judge in which he recommends that Petitioner David J. Gonzalez's petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 be denied. The report and recommendation was filed on April 11, 2019. After two requests for extensions of time were granted, Petitioner timely filed objections to the report and recommendation on July 24, 2019.<sup>1</sup> (Doc. 29.) On August 7, 2019, Petitioner filed a motion for leave to file a brief in support of the objections *nunc pro tunc*, which the court will grant. (Doc. 30.)

In his objections to the report and recommendation, Petitioner objects to the magistrate judge's findings regarding his claim that he was denied his Sixth

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<sup>1</sup> Objections were due on July 18, 2019. Petitioner's objections are dated July 17, 2019, and were received by the court on July 24, 2019. The court will consider the filing timely.

Amendment right to counsel because his counsel was not present at an ex parte meeting between the trial court and the jury foreperson during his state trial. The magistrate judge thoroughly discussed this issue and the court agrees with his reasoning and conclusion.

Following an independent review of the record, the court is satisfied that the report and recommendation contains no clear error and will therefore adopt it in its entirety. An appropriate order will issue.

s/Sylvia H. Rambo  
Sylvia H. Rambo  
United States District Judge

Dated: September 6, 2019